

REMARKS

[01] Claims 1-5: Operative vs. Non-Operative

[02] The Office Action of April 5, 2007, rejects Claims 1-5 because the invention is “inoperative”. The Office Action reaches this conclusion as Claims 1-5 do not state that the reader program is computer executable. Claim 1 has been amended to state that the program is computer executable. Accordingly, the rejection of Claims 1-5 for being non-statutory is overcome by amendment.

[03] In either its original or its amended form, Claim 1 is closely related to a well-established type of claims, that of a program encoded in computer-readable media. This type of claim is directly addressed in the MPEP.

a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. (*MPEP, 2106.01, Rev. 5, August 2006, p. 2100-18*)

[04] Under this section of the MPEP, it seems clear that Claims 1-5 are considered statutory and operative. If the Examiner persists in rejecting Claims 1-5 for relating to non-statutory subject matter, Applicants would appreciate an explanation for why this MPEP section does not apply.

[05] Claims 6-10: Operative vs. Inoperative

[06] The Office Action rejects Claims 6-10 for being directed toward non-statutory and “inoperative” subject matter. The Office Action

states: “A claim that recites a piece of software alone without any link to a hardware component is directed to non-statutory subject matter and inoperative.” (Office Action, 4/5/2007, p. 12). Claim 6 has been amended to explicitly recite hardware to overcome this ground of rejection.

[07] Applicants must confess to some confusion as Claims 6-10 relate to a method and do not recite software explicitly. The Office Action statement “The claims are directed to a method which is seemingly a software product” is misleading. The method is not a software product. Obviously, a software product alone cannot accomplish the claimed method. Therefore, the inference that the method is a software product, to the extent that the statement makes sense, is false.

[08] From the specification, it is clear that, in practice, the method is to be implemented by a computer. The computer would be doing what computers generally do: manipulate data in accordance with a program of instructions. Of course, since a computer is involved, so is software. But the software is running on hardware. The method cannot be implemented by disembodied software or even software in computer-readable media without the hardware. Of course, the Office Action itself makes this point, but draws the wrong conclusion. The correct conclusion is that the instrumentality used to implement the claimed method inherently involves hardware and software working operatively together.

[09] Claims 6-10: Tangible versus Abstract

[10] The Office Action rejects Claims 6-10 in part because, it is asserted, that the results of the claimed method are not tangible. This ground of rejection is traversed.

[11] Claim 6 specifies “rendering said updated information in human-cognizable form”. The issue is whether information rendered in human cognizable form is “tangible” or “abstract”. (“the opposite meaning of “tangible” is “abstract.” MPEP 2106, Rev. 5, August 2006, p. 2100-12) While Claim 6 does not provide examples of information in human-cognizable form, two examples come readily to mind: information displayed on computer monitor or information printed out on paper. In either case, the information is embodied in a physical tangible medium (paper or monitor). There is nothing abstract about paper or computer monitors. Accordingly, the claims do recite a tangible result.

[12] It should be noted that the “tangible versus abstract” issue arises in the MPEP in the context of a determination of whether or not a claim pre-empts judicially excepted subject matter—e.g., a natural phenomenon, a law of nature, or an abstract idea. Since Claim 6 does not relate to judicially excepted subject matter, the “tangible versus abstract” issue should not even arise.

[13] Claims 6-10: Useful Results

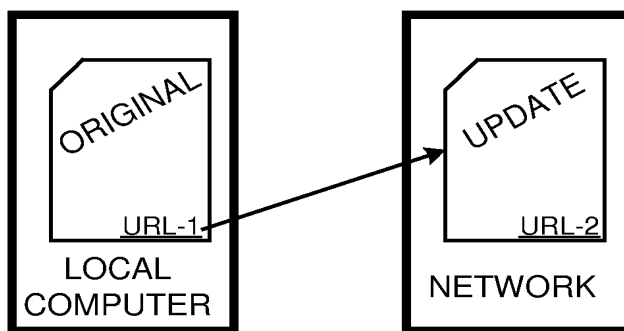
[14] The Office Action rejects Claims 6-10 because, it is asserted, the claims do not provide for useful results. The part of the rejection is traversed.

[15] Claim 6 provides ready access to updated information. Obviously, this would enable a user to act on the updated information rather than the original, and presumably at least partially obsolete, information. Perhaps, the Examiner can elaborate why he does not think updated information would be useful, but in lieu of some explanation, this ground of rejection should be withdrawn.

[16] Anticipation: Old Arguments

[17] The Examiner basically repeated the original rejections for anticipation. Accordingly, Applicants are providing a slightly updated version of their earlier remarks as they remain relevant. Further below, new arguments are presented under a separate section heading.

[18] Claims 1-10 are rejected for anticipation by each of 1) U.S. Patent Publication No. 2003/0050927 to Hussam, "Hussam" herein; and 2) U.S. Patent Publication No. 2002/0015042 to Robotham et al., "Robotham" herein. These rejections are traversed as neither cited reference discloses an original version of a document that specifies a network location of a more-recent version of the document.



[19] The figure above depicts an original version of a document on a local computer, and an updated version of the document on a network. The original version specifies a URL-1 that points to the network location of the updated version. All claims require an original version that specifies a network location for an updated version.

[20] Hussam does not disclose an original version that specifies a network location of an updated version. The Office Action refers to Hussam paragraphs 37-40, 85, 88, 97, and 408 as disclosures of this limitation. For example, examine paragraph 88:

[0088] The intrinsic metadata are static elements, and never change unless the author specifically modifies the document. Correspondingly, automatically generated extrinsic metadata is dynamic, and changes as the document is used and updated locally by a user. Manually determined extrinsic metadata contains a mixture of both static and dynamic types.

[21] Clearly, this has nothing to do with an original version of a document specifying a location for an updated version of the document.

[22] Likewise for paragraphs 174, 248, 251, and 286 identified by the Office Action as disclosing the limitation. Take for example, Robotham paragraph 174

[0174] A visual content element **10** may be composed of one or more constituent component(s) **12**. Different constituent components **12** can be rendered by different specialized rendering functions. The overall rendering function **48** can coordinate specialized rendering function(s) to create intermediate representations that are used to generate the overall rendered representation.

[23] Again, the limitation is not disclosed at all. If the Examiner persists in maintaining that either of these references discloses an original version that points to an updated version, that he also spell out his interpretation of the relevant passages with greater specificity. Otherwise, Applicant respectfully requests that the Examiner withdraw the rejections for anticipation.

[24] Anticipation: New Arguments

[25] Hussam does disclose links that specify the locations of documents. For example, a passage relied on in the Office Action reads:

[0253] To generate the search results, the script sorts the list of processed documents by the total number of hits. Then it traverses the sorted list of processed documents. For each document in the list, it generates the pie chart image for that document using the collected data. The client is then sent the needed HTML to display the pie charts and all other collected information, including the document's URL, the PLS document id, and the search string that was passed by the client (for later use).

[26] The question is: Is the URL that points to an updated document in the original version of the document? The answer would appear to be "no", since the URL is in a list of documents, which would not qualify as the original of any of the documents it is listing. Thus, while Hussam does disclose a URL for a document, the URL is not specified in an original version of an updated document.

[27] The traversal of the rejections based on Robotham is similar. Robotham discloses selection bookmarks that specify the location of a visual content element. It is not at all clear that Robotham's visual content element qualifies as a document file. However, the bigger issue is whether the bookmark qualifies as an earlier version of the visual content element at the location specified by the bookmark. Robotham does not disclose that the bookmark that points to a visual content element qualifies as an original document specifying the location of an updated version of itself.

[28] Reply to the Examiner's New Remarks

[29] The statement on page 10 of the Office Action:

Hussam's URL (e.g. web site link) of the document (not updated yet) specifies a network location of a more recent version (after being updated by a server or locally by a user). The meaning of "updated" already tells it is a recent version. (*Office Action, April 5, 2007, p. 9*)

[30] Hussam does not disclose that the website link to an updated document is or is included in an original version of a document.

As to Robotham, in paragraph 0203 specifically, the bookmarks (original document) specify the network location (URL). (*Office Action, April 5, 2007, p. 9*)

[31] The Robotham paragraph referred begins

[0203] Bookmarks, such as those commonly used in Web browsers, specify the location (e.g., URL) of a visual content element 10. (*Robotham*)

[32] The "bookmarks" referred to in Robotham correspond to bookmarks in web browsers. Such bookmarks are typically presented in a list within a "bookmark" or "favorites" menu. The Office Action attempts to equate a bookmark with an original document. A bookmark is just a labeled link to a document. The bookmark is not in and of itself a version of the document to which it points. In any event, the Office Action does not establish that Robotham's bookmarks are original versions of the documents to which they point.

And in paragraphs 0141 and 0191, specifically, the data can be updated and therefore the updated document will obtain

the updated (more recent) network location (URL). (*Office Action, p. 9-10*)

[33] The usage of “obtain” here is unfamiliar; Applicant’s are reading “obtain” as if it were “contain” so that the passage makes some sense. Insofar as this passage is understood, it seems to say that if a something is updated, a new bookmark can be used to locate the updated version. Cited paragraphs 141 and 191 do not disclose that a bookmark is an original version of the update to which it points.

Further, such limitation “an original version of a document that specifies a network location of a more-recent version of the document” is not recited in any claims. (*Office Action, p. 10*)

[34] Claim 1 recites a “network location specified by an original version of said document file” and also recites “accessing an updated version of said document file via said network location”. As the Office Action points out elsewhere, an updated version is inherently “more recent”. Claim 6 recites “accessing an original version of a document file . . . specifying a network location” and also recites “accessing an updated version of said document file via said network location”. Both of these claims, and thus all dependent claims, therefore require a network location specified by an original version of said document file.

If an original version document obtains network location of a more-recent version, it means that the original version of a document is not original anymore, it becomes a more-recent version of the document. It is not understood why it is still called “original version” document while having a network location of a more-recent version (updated) of the document. If this limitation is recited in the claims, it will be vague to the claimed invention. (*Office Action, p. 10*)

[35] Applicants can appreciate the Examiner's quandary here. (Again, Applicants read "obtain" as meaning "contain"). In general, while an original document is being composed, an updated version does not exist. Since it does not exist, it cannot have a network location. If it does not have a location, how can the original document specify that location? The Office Action then appears to assume that, therefore, the location must be specified after the updated version of the document is created. In that case, the original document would have been modified and would no longer be considered "original".

[36] The answer is that, from the beginning, the original document specifies a network location through which an update will be available once the update is created. It is not necessary for the updated version to exist when the network location is incorporated in the original document.

[37] It might help the Examiner to consider the case of a person writing a user's manual for software. At the time the manual is being written, no updates for the manual exist. However, given the nature of software, the author expects there will be updates to the software and that an updated manual reflecting the software updates will be required. Looking ahead to this time, the person preparing the original user manual inserts a URL to a network location at which an updated version of the manual can be accessed once the updated version exists.

[38] If a user attempts to access the location before an update exists, several things might happen. An error message might be returned if nothing is at the location. Alternatively, accessing the location might return a page that says "future updates can be found here"; alternatively, accessing the location might simply return the original version of the document. However, once the updated version is available, it will be accessible via the network location specified in the original document. In other words, the location is updated, not the URL

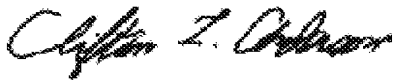
in the original document. The original document is unchanged and that is why it is still referred to as “original”.

[39] CONCLUSION

[40] While both Hussam and Robotham disclose links that specify a network location of some entity, neither reference disclose that that link is in a earlier version of that entity. Accordingly, the rejections for anticipation should be withdrawn. All claims relate to explicitly listed statutory content (e.g., manufacture and process) and do not relate to any judicial exceptions. Accordingly, all claims are statutory. Accordingly, it is respectfully submitted that all claims are allowable and allowance of the application in its present form is respectfully requested.

[41]

Respectfully submitted

A handwritten signature in black ink, appearing to read "Clifton L. Anderson".

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